



CITY OF MEMPHIS

COUNCIL AGENDA

May 3, 2016

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Council Administrator of the Memphis City Council.

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (April 19, 2016)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION honoring Reginald Jones for his induction into the first class of University of Tennessee Athletic Hall of Fame for his accomplishments in Track and Field. This resolution is sponsored by Councilman Colvett.

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION honoring Stanley Morgan for his induction into the first class of University of Tennessee Athletic Hall of Fame for his accomplishments in Football. This resolution is sponsored by Councilwoman Swearengen.

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION congratulating Central High School girls basketball team for an outstanding season. This resolution is sponsored by Councilman Ford.

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

4. RESOLUTION approving a street/alley closure located on Coughlin Drive between Brooks Road and Stonebrook Avenue, containing 2.058 acres in the Employment (EMP) District. This resolution is sponsored by the Office of Planning & Development. (Held from 4/15;5/20;10/7;10/21;11/18;12/16;1/20;3/17;4/21;7;21;10/6; 4/5)

Colvett
Chairman,
Planning &
Zoning
Committee

Case No. SAC 13-605

Applicant: City of Memphis Engineering Division
Bill Wood, Pickering Firm – Representative

Request: Close and vacate a portion of Coughlin Drive Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

25 NOTICES WERE MAILED ON MARCH 6, 2015

5. RESOLUTION approving a planned development located on the northwest quadrant of I-40 and Hollywood, containing 20.82 acres, vacant land in the Commercial Mixed-Use -3(CMU-3) zoning district. This resolution is sponsored by the Office of Planning & Development. (Held from 03/01; 4/19).

Colvett
Chairman,
Planning &
Zoning
Committee

Case No. PD 16-01

Applicant: Patel Manherlal T Living Trust/Hospitality Builders of America, Inc.
Scot Woodard – Representative

Request: Planned development in North Memphis to allow uses of convenience store with gas pumps, hotel, retail, restaurant with drive-thru lane and truck washing

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

28 NOTICES WERE MAILED ON FEBRUARY 19, 2016

DIVISION OF PLANNING AND DEVELOPMENT

6. RESOLUTION approving a hotel/motel waiver for Dermon Hotel Group, LLC, located at 22 N. 3rd Street, Memphis, Tennessee, 38103. This resolution is sponsored by the Office of Planning & Development.

Colvett
Chairman,
Planning &
Zoning Committee

Case No. HMW 16-03

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving a planned development located at 7684 US HWY 64, containing 1.03 acres in the Conservation Agriculture (non-active PD95-370cc) District. This resolution is sponsored by the Office of Planning & Development.

Colvett
Chairman,
Planning &
Zoning
Committee

Case No. PD 16-05

Applicant: Halle Properties
Jennifer Peregoy – Representative

Request: To allow a vehicle tire sales establishment within CA zoning district

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

8. RESOLUTION approving a street/alley closure located 220 feet east of the center line Abel Street, containing 241' by 38' in the Vacant Commercial Mixed Use-3 (CMU-3) District. This resolution is sponsored by the Office of Planning & Development.

Colvett
Chairman,
Planning &
Zoning
Committee

Case No. SAC 16-04

Applicant: ECG Patterson Development LLC
Fisher & Arnold, Inc. / David Baker – Representative

Request: Alley closure of Bledsoe Alley, also known as Allen Place

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

9. RESOLUTION approving a street/alley closure located at the south side of Melinda Avenue; +/-330.16 feet east of Wells Station Road, containing 0.15 Acre (6,331 sq. ft.) in the Residential Single Family (R-6) District. This resolution is sponsored by the Office of Planning & Development.

Colvett
Chairman,
Planning &
Zoning

Case No. SAC 16-05

Committee

Applicants: City of Memphis/Shelby County Schools
Fisher & Arnold, Inc. - Representative

Request: Close unimproved public right-of-way 50' in width and 125' in length

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE – THIRD AND FINAL READING

10.
Colvett
Chairman,
Planning &
Zoning
Committee

ORDINANCE rezoning the east side of Prescott Rd., 733' north of Raines Road, containing 5.0 acres in the R-8 District, up for T H I R D and F I N A L reading. This ordinance is sponsored by the Office of Planning & Development. (Held from 4/19).

Case No. Z 16-01
Ordinance No. 5613

Applicant: Delta Wholesale Liquors, Inc.
Terry Searcy – Representative

Request: Re-zone from R-8 (Single-family Residential) to EMP
(Employment) District

LUCB and OPD recommendation: Property be rezoned from R-8 to EMP

ACTION REQUESTED: Take whatever action Council deems advisable

72 NOTICES WERE MAILED ON APRIL 8, 2016



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

11. **ORDINANCE** to appropriate the proceeds of the tax levy on the assessed values on all properties of every species within the city limits for general purposes for the Fiscal Year July 1, 2016 through June 30, 2017, inclusive, together with all collections from privileges, licenses, fees, fines, permits, charges, requests, transfers from non-budget accounts, earnings, refunds and all other items constituting the revenue receipts of the City of Memphis for the Fiscal Year July 1, 2016 through June 30, 2017, inclusive, to provide the manner in which monies may be transferred from one fund to another and to provide the standard code of designations under which the appropriations are to be administered and accounting control maintained, up for F I R S T reading. Ordinance No. 5616 is sponsored by Finance Division.

Ford
Chairman,
Budget
Committee

ACTION REQUESTED: Adopt the ordinance on First reading

12. **ORDINANCE** to fix the Tax Rate of the City of Memphis for Fiscal Year 2017, up for F I R S T reading. Ordinance No. 5617 is sponsored by Finance Division.

Ford
Chairman,
Budget
Committee

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING (None)

NOTATIONS FROM OPD (None)



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FISCAL CONSENT AGENDA

13. RESOLUTION accepting grant funds in the amount of \$5,506.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title I Adult Program. This resolution is sponsored by Workforce Investment Network.

Boyd
Chairman,
Economic
Development,
Tourism &
Technology
Committee

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION accepting grant funds in the amount of \$6,259.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title I Dislocated Worker Program. This resolution is sponsored by Workforce Investment Network.

Boyd
Chairman,
Economic
Development,
Tourism &
Technology
Committee

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

15. RESOLUTION awarding a contract to AutoNation Ford, d/b/a Dobbs Ford, for sedans and light duty vehicles, in the amount of \$873,278.10.
16. RESOLUTION awarding a thirty-six month contract to UniFirst Corporation, for uniform rental services, in the amount of \$81,799.14.
17. RESOLUTION approving payment of an invoice to Service Electric Company for Contract No.11613, Emergency Storm Restoration Agreement, based on agreed upon rates, in the funded amount of \$225,776.12.
18. RESOLUTION approving Change No. 2 to Contract No. 11676, Professional Engineering Services, with Allen & Hoshall. (This change is to renew the current contract for the second of four annual renewal terms covering the period June 4, 2016 through June 3, 2017 in the amount of \$150,000.00, with no increase in rates from the previous year. In addition, this renewal reflects an increase in services due to anticipated projects during this contract term in the amount of \$75,000.00 for a total funded amount of \$225,000.00.)
19. RESOLUTION approving payment of an invoice from the Tennessee Valley Public Power Association, for the 2016 Annual Membership dues, in the amount of \$51,441.80.
20. RESOLUTION approving Change No. 1 to Contract No. 11657, Generator Repair Services, with Cummins Mid-South, in the funded amount of \$100,000.00. (This increase is needed for expenses incurred as a result of an unforeseen engine failure to the generator at the Mallory Pumping Station and a software failure at the McCord Pumping Station generator. The remaining contract value will be utilized for "as needed" repair services. The contract term will remain through February 9, 2017.)
21. RESOLUTION approving Change No. 2 to Contract No. 11566, Replacement of Distributed Process Control (DPC) System at all MLGW Pumping Stations, with Allen & Hoshall, in the funded amount of \$1,399,200.00. (This change is to expand the scope of work to replace the DPC Systems at nine MLGW Water Pumping Stations over a five year period. This change also includes emergency DPC work at the Davis Water Pumping Station in the amount of \$35,200.00, for a total funded amount of \$1,399,200.00, based upon agreed upon rates. In addition, this change is to extend the current contract end date of December 31, 2017 to 2022 to allow time to complete the projects. As a result of this change, the contract name will change to Replacement of Distributed Process Control (DPC) System at all MLGW Pumping Stations.)

22. RESOLUTION approving a Contract of Sale for the purchase of property, located on the northeast corner of Shelby Drive and Sewanee Road, from Niketan Desai, for and in consideration of \$165,000.00, for various well lots to serve the Davis Pumping Station.
23. RESOLUTION awarding a contract to Engineered Sealing Components, for underground fittings, in the amount of \$2,532,129.82.
24. RESOLUTION awarding a contract to Brighter Days and Nites, Inc., for mounting base assemblies, in the amount of \$65,878.95.
25. RESOLUTION approving Change No. 1 to C-Agreement C1952, Leadership Coaching, with Brenda Bryant d/b/a Bryant and Company, in the funded amount of \$25,025.00. (The initial term of the contract was for one year from the date of the Notice to Proceed through October 29, 2016. This change is to increase the current contract in the funded amount of \$25,025.00. This increase is due to the addition of five Senior Leadership Development participants from the Engineering and Operations Department. The new contract value is \$60,060.00.)
26. RESOLUTION approving Change No. 2 to Contract No. 11669, Property and Boiler Insurance, with Factory Mutual Insurance Company (FM Global), in the funded amount of \$1,029,069.00. (This change is to renew the current contract for the second of four annual renewal terms covering the period June 1, 2016 through May 31, 2017. This renewal reflects a 2.7% net premium decrease from the previous year. MLGW received a 16.21% membership credit resulting from less claim loss experience globally from natural disasters. FM Global is a mutual insurance company, which is owned entirely by its policy holders. Any profits earned by a mutual insurance company are rebated to policy holders in the form of dividend distributions or reduced future premiums or membership credit.)
27. RESOLUTION awarding Contract No. 11850, MLGW Employee Assistance Program, to Methodist Healthcare EAP, in the funded amount of \$117,500.00.
28. RESOLUTION awarding a twelve month contract to Access Builders, LLC, for luminaires and steel poles, in the amount of \$475,755.00.



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REGULAR AGENDA

29.

Spinosa

Chairman,
Personnel &

Intergovern-
mental

Committee

APPOINTMENTS

CIVILIAN LAW ENFORCEMENT REVIEW BOARD

Appointments

Dr. June Chinn-Jointer

Dr. James Latta

HEALTH, EDUCATIONAL AND HOUSING FACILITY BOARD

Appointments

Carolyn Head

Buckner P. Wellford

GENERAL ORDINANCES – THIRD AND FINAL READING

30.

Boyd

Chairman,
Economic
Development,
Tourism &
Technology
Committee

ORDINANCE amending Ordinance No. 5595, Title V, Chapters 20 and 40, of the Memphis Municipal Code to revise the definitions of “Hotel” and “Transient” and Section 5-40-5 Funding, up for T H I R D and F I N A L reading. Ordinance No. 5614 is sponsored by Finance Division. (Held from 4/19).

ACTION REQUESTED: Take whatever action Council deems advisable

31.

Conrad

Chairman,
Executive
Session

ORDINANCE to amend Chapter 4, of the City of Memphis Code of Ordinances relative to Alcoholic Beverages General, and Beer and other light beverages excluding Retail Food Stores from the location restriction for the manufacture and sale of Alcoholic Beverages near Churches, Schools and other Private Institutions or Residential Areas, up for T H I R D and F I N A L reading. Ordinance No. 5615 is sponsored by Councilman Morgan.

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

32. RESOLUTION accepting grant funds in the amount of \$37,500.00 from the State of Tennessee Department of Human Services for the Child Support Noncustodial Parent Employment Demonstration Program. This resolution is sponsored by Workforce Investment Network.

Boyd
Chairman,
Economic
Development,
Tourism
& Technology
Committee

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION accepting grant funds in the amount of \$275,000.00 from the Memphis Housing Authority for the Workforce Investment Network Memphis Youth Build Program. This resolution is sponsored by Workforce Investment Network.

Boyd
Chairman,
Economic
Development,
Tourism & Technology
Committee

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (none)

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARKS AND NEIGHBORHOODS (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC WORKS

34. RESOLUTION approving an amendment to the Exclusive Archery Rights Memorandum Agreement with TWRA dated April 23, 2001, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on October 15, 2014. This resolution is sponsored by the Port Commission. (Held from 3/17; 5/19; 6/2; 7/7; 8/4; 9/15; 10/20; 1/19; 3/1)

Hedgepeth
Chairman,
Public Works &
Transportation
Committee

Contract No. CR-5228

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION requesting the approval of the sale of the Old Central Police Station acquired by the City of Memphis as shown in Plat Book 3, Page 113, located at 128 Adams Avenue (Adams Historic District) in Memphis, Shelby County, Tennessee and further described as Parcel 002019 00001, which must be subdivided to exclude the Fire Museum and Civic Center Garage. Per ordinance, the sale of the subject parcel is subject to the offer laying over for a future Council meeting to allow for an increase of bid. Therefore, the second reading and approval of increase in bids, subject to the initial increase being a minimum of \$500.00 and additional bids being \$50.00 or more, if any, shall be deemed as approval of sale. Resolution also authorizes the Mayor to execute the necessary documents in connection with the sale. This resolution is sponsored by General Services.
- 1st Reading
Hedgepeth
Chairman,
Public Works &
Transportation
Committee

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION accepting \$950,000.00 in grant funds from the Tennessee Department of Transportation and transfer the required local matching funds in the amount of \$50,000.00 from project PW01276 (STP Bike/Ped Group) to the Union Avenue Complete Streets Retrofit, project PW01276. This resolution is sponsored by Public Works Division.
- Hedgepeth
Chairman,
Public Works
&Transportation
Committee

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION amending the FY16 Capital Improvement Budget by transferring an allocation and appropriating \$342,000.00 in G.O. Bonds – from Traffic Signals, Project Number EN01004, to ITS Camera Deployment Phase 1, Project Number EN01071, for a Construction Contract with McCrory Electric. This resolution is sponsored by Engineering Division.
- Hedgepeth
Chairman,
Public Works &
Transportation
Committee

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION transferring an allocation and appropriating \$2,492,628.00 from Land Acquisition to Fixtures and Equipment, funded by Capital Pay go-Sewer in Maxson Biogas Upgrade 2015, project number SW02136. This resolution is sponsored by Public Works Division.
- Hedgepeth
Chairman,
Public Works &
Transportation
Committee

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

39. RESOLUTION to transfer, allocate, and appropriate funds for the early completion of the Main Street to Main Street Multimodal Connector Project, across the Harahan bridge. The total amount is \$950,000.00 and will be transferred from the FY 2016 allocations for projects PW04108, GA01021, and PK07114 to PW04090. This resolution is sponsored by Public Works Division.

Hedgepeth
Chairman,
Public Works,
Transportation
& General
Services
Committee

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION to transfer and appropriate construction funds to replace existing 48 inch and 84 inch sanitary sewer lines near I-40 and McLean Boulevard. The total amount is \$7,121,875.00 and will be transferred from SW02001 to SW02120. This resolution is sponsored by Public Works Division.

Hedgepeth
Chairman,
Public Works,
Transportation &
General Services
Committee

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION accepting (2) SkyCop Camera Solutions, compatible with existing MPD equipment, to be installed in the City View Towers, who gave the necessary funds. The items are being donated by the Memphis/Shelby County Law Enforcement Foundation. The total donation is \$13,642.72. This resolution is sponsored by Police Services.

Morgan
Chairman,
Public Safety &
Homeland
Security
Committee

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION accepting (1) SkyCop Dual Enclosure system, compatible with existing MPD equipment to be installed in the Red Oaks Neighborhood. The funds were raised by the Red Oaks Neighborhood Association. The items were being donated by the Memphis/Shelby County Law Enforcement Foundation. The total donation is \$5,631.39. This resolution is sponsored by Police Services.

Morgan
Chairman,
Public Safety &
Homeland
Security
Committee

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION accepting from fiscal agent GrowMemphis, community garden supplies, purchased using \$4,000.00 awarded to the Tennessee Recreation and Parks Association (TRPA) to build a community garden at (1) Senior Center (Orange Mound) and (1) Community Center (Cunningham). This resolution is sponsored by Parks Services.

Swearngen
Chairman,
Parks
Committee

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION accepting grant funds in the amount of \$957,103.00 from the State of Tennessee Department of Labor and Workforce Development Agency for Supplemental Nutrition assistance Program Employment and Training Program

Boyd
Chairman,

ADD-ONS CONT.

Economic Development, Tourism & Technology Committee (SNAP E&T). This resolution is sponsored by Workforce Investment Network.

ACTION REQUESTED: Adopt the resolution

45. Boyd Chairman, Economic Development, Tourism & Technology Committee RESOLUTION accepting grant funds in the amount of \$4,000.00 from the US Conference of Mayors Dollar Wise Campaign for the Summer Youth Program to expand financial education efforts within the Summer Youth Enrichment Programs. This resolution is sponsored by Administration.

ACTION REQUESTED: Adopt the resolution

46. Conrad Chairman, Executive Session **ORDINANCE** designating and approving various uses and purposes for the City's Park, known as Overton Park pursuant to Section 579.1 of the Charter and to ratify the March 1, 2016 Memphis City Council resolution designating and approving various uses and purposes for the City's Park, known as Overton Park as modified by this Ordinance Nunc Pro Tunc to the effective date of resolution, up for F I R S T reading. Ordinance No. 5618 is sponsored by Chairman Conrad.

ACTION REQUESTED: Adopt the ordinance on First reading

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved
2. Through 4 – Held until May 17, 2016
5. Held until July 5, 2016
6. Through 29 – Approved
30. & 31 – Approved, as amended
33. & 33 – Approved
34. Dropped
35. Through 46 – Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF APRIL 19, 2016 MEETING

Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF ITEMS #13, #14, #30, #39, #40, #41, #42, #43, #44 & #45 FROM TONIGHT'S MEETING

Approved